

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF AMERICA,**  
Plaintiff,  
vs.  
**LEVERTIS WOOLFOLK,**  
Defendant.

CASE NO. 13-cr-00189-YGR-1

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY**

Re: Dkt. No. 45

On August 7, 2017, the Ninth Circuit issued an order remanding this matter to the district court for the limited purpose of granting or denying a certificate of appealability (Dkt. No. 45), regarding the Court's denial of defendant Levertis Woolfolk's motions to reduce his sentence (Dkt. Nos. 31, 36) and his subsequent motion for reconsideration (Dkt. No. 41).


The Court denied each of defendant's motions: The Court denied his first motion finding that defendant was not entitled to relief pursuant to (i) Amendment 792 to the sentencing guidelines because it does not affect his sentencing calculation and (ii) *Johnson v. United States*, 135 S. Ct. 2551 (2015) because his sentence was not enhanced based on any conviction for a crime of violence. (Dkt. No. 35.) Defendant filed another motion to vacate again appearing to raise a *Johnson* claim, in addition to ineffective assistance of counsel claims. The Court again denied the *Johnson* claim, and also denied relief for the ineffective assistance of counsel claims as untimely. (Dkt. No. 40.) The Court then denied defendant's motion for reconsideration for defendant's failure to meet the standards for the same. (Dkt. No. 42.)

1           Within that context, and for the reasons set forth in the orders discussed herein, the Court  
2 finds that reasonable jurists would not “find the [Court’s] assessment of the constitutional claims  
3 debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Accordingly, a certificate of  
4 appealability will not issue.

5           The Clerk shall forward this order denying the certificate to the Ninth Circuit Court of  
6 Appeals.

7           **IT IS SO ORDERED.**

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9 Dated: August 9, 2017

  
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YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE